

**Scharf-Norton Center for Constitutional Litigation at the
GOLDWATER INSTITUTE**

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**IN THE SUPERIOR COURT OF ARIZONA
IN AND FOR THE COUNTY OF PIMA**

RICHARD RODGERS; SHELBY
MAGNUSON-HAWKINS; and DAVID
PRESTON,

Plaintiffs,

vs.

CHARLES H. HUCKELBERRY, in his official
capacity as County Administrator of Pima
County; SHARON BRONSON, RAY
CARROLL, RICHARD ELIAS, ALLYSON
MILLER, and RAMÓN VALADEZ, in their
official capacities as members of the Pima
County Board of Supervisors; PIMA COUNTY,
a political subdivision of the State of Arizona,

Defendants.

Case No.: C20161761

(Assigned to the Honorable
Catherine Woods)

**JOINT STIPULATION TO STAY
COUNT ONE**

On February 2, 2017, this Court issued an Under Advisement Ruling granting Plaintiffs' Motion for Partial Summary Judgment and denying Defendants' Motion for Partial Summary Judgment. For the reasons stated in that order, entry of final judgment is appropriate with respect to Count Two of Plaintiffs' Complaint. Plaintiffs have filed, simultaneously with this stipulation, a proposed form of judgment.

In granting Plaintiffs' Motion for Partial Summary Judgment, this Court ruled that Defendants violated A.R.S. § 11-256 when they entered into the Headquarters Lease-Purchase Agreement (PSOF, Ex. 1) ("Agreement") with World View Enterprises for a County-owned building and that the Agreement is therefore unlawful.

Count One of the Complaint alleges that the Agreement results in an unconstitutional gift and loan of taxpayer funds. Because the Court's resolution of Count Two renders the Agreement unlawful, the parties hereby stipulate to stay Count One and all associated deadlines pending resolution of any appeals regarding Count Two.

There is good cause to enter a stay. The stay is not intended to unduly delay the administration of justice in this case.

The parties respectfully move the Court for entry of an Order in the form submitted.

DATED: February 21, 2017

Respectfully submitted,

/s/ James Manley

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/s/ Andrew Flagg

Regina L. Nassen

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Pima County Clerk of the Superior Court
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